



Town of Arlington
Department of Health and Human Services
Office of the Board of Health

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Regulations for the Removal of Exterior Paint

SECTION 1: AUTHORITY

On July 27, 2011 the Arlington Board of Health, pursuant to the authority granted under Massachusetts General Laws (M.G.L.), Chapter 111, Section 31 voted to adopt the "Regulations for the Removal of Exterior Paint " to protect the public health of the community.

SECTION 2: RATIONALE/PURPOSE

The Board of Health recognizes that certain paint removal techniques may contribute to air pollution through the generation of particulate matter and result in health and safety hazards. Specifically, the disturbance of paint, paint debris, plaster or other materials may release dangerous levels of lead. According to the United States Environmental Protection Agency (EPA), old lead-based paint is the most significant source of lead exposure in the United States today. Harmful exposures to lead can be created when lead-based paint is improperly removed from surfaces by dry scraping, sanding, or open-flame burning. Elevated levels of lead in the blood can impact the liver, kidneys, brain, nervous system, bones, reproductive system, and the development of hearing and speech.

The Board of Health recognizes that restrictions on exterior abrasive blasting and power sanding will enable operators to better control particulate matter and other by-products and thereby minimize health and safety effects associated with these activities.

SECTION 3: DEFINITIONS

Abrasive Blasting- shall include dry, wet, and mist abrasive blasting which are defined as follows:

Dry abrasive blasting- propulsion of a stream of abrasive material by means of air, steam, or other gas under pressure for the purpose of paint removal or abrading or cleaning a surface.

Mist abrasive blasting- application for the purpose of paint removal or abrading or cleaning a surface of a water mist together with an abrasive material propelled by means of compressed air, steam, or other gas.

Wet abrasive blasting- application, for the purpose of paint removal or abrading or cleaning a surface, of a stream of water under pressure together with an abrasive material propelled by means of compressed air, steam or gas.

Abrasive material – substance used to abrade or clean a surface

Air Contaminant- any substance in the ambient air space including, but not limited to, dust, fume, mist, odor, smoke, vapor, heat, any combination thereof or any reaction product thereof.

Air Pollution- the presence in the ambient air space of one or more air contaminants or combination thereof in such concentration and of such duration as:

- a) to be noticeable by sight or smell, or
- b) to be injurious or tend to be injurious to human or animal life, vegetation, or to property, or
- c) to unreasonably interfere with the comfortable enjoyment of life, property or the conduct of business

Ambient air space- all of the air space outside of the shrouded or contained work air spreading in all directions indefinitely.

By-products- used abrasive material, paint chips, wood chips, dust, water or any other material resulting from the paint removal or abrasive blasting operation.

Contractor- a person who contracts to perform exterior paint removal or abrasive blasting work for compensation.

Dangerous level of lead- level that endangers the health of children or adults by producing a substantial and/or serious danger of lead poisoning. When present in paint, a dangerous level shall be deemed pursuant to M.G.L. Chapter 111, ss. 194 and 196, to be the following:

- a) More than 0.5 percent lead by dry weight as measured by an atomic absorption spectrophotometry test of sample or by testing with 6 to 8 percent sodium sulfide.
- b) More than 1.2 milligrams of lead per square centimeter of surface as measured on-site by a mobile X-ray fluorescence analyzer or comparable equipment

Deleading Project or Work- the abatement or containment of materials containing dangerous levels of lead in residences by the removal, covering or encapsulation of lead paint or by replacement of whole building components in instances described by one or more of the following:

- a) Where the owner of the property has received an Order to Correct Violations pursuant to M.G.L. c. 111, § 197;
- b) Where the purpose of the work is to achieve a Letter of Compliance pursuant to 105 CMR 460.760(D) or a Letter of Interim Control pursuant to 105 CMR 460.105(D), or tax credit eligibility pursuant to 830 CMR 62.6.2;
- c) Where the owner of the property is required to delead pursuant to M.G.L. c. 111, § 197 and the effect of the work if performed would be to accomplish, or contribute to the accomplishment of, deleading compliance as specified by 105 CMR 460.760(D) or 105 CMR 460.105(D); or
- d) Where the Director of the Childhood Lead Poisoning Prevention Program or other authority with competent jurisdiction has designated the work a deleading project.

Deleading projects or work may include class I deleading work, moderate-risk deleading work and low-risk deleading work.

Department- the Town of Arlington Department of Health and Human Services Office of the Board of Health and its authorized agents.

Dust- finely divided solid matter

Emissions- discharge or release to the ambient air space of any air contaminant.

Exterior- outside or outdoors

HEPA Filter Vacuum Cleaner- vacuum cleaner equipped with a high efficiency particulate air (HEPA) filter capable of filtering out particulates of 0.3 microns or greater diameter from a body of air at 99.97% efficiency or greater.

Lead-safe Renovation Contractor (s) - A person, firm, corporation, or other business entity duly licensed by 454 CMR 22.00 to enter, engage in, or work at the business of conducting renovation work and moderate-risk deleading work in target housing and child-occupied facilities.

Manual methods- the use of non-mechanical, non-power operated hand tools such as scrapers, sanders, rasps and other similar implements to remove paint.

Operator- a person who performs exterior paint removal or abrasive blasting.

Owner- the owner of a structure subject to these Regulations.

Particulate matter- any material that exists in a finely divided form as a liquid or solid in the ambient air.

Person- an individual, partnership, association, firm, syndicate, company, trust, corporation, city department, bureau, agency, or any other entity recognized by law as the subject of rights and duties.

Power sanding- the use of power tools to remove paint; this does not include pressure washing equipment or abrasive blasting equipment as defined elsewhere herein this regulation.

Power washing or pressure washing- the use of a mechanical sprayer to increase water pressure and velocity for the purpose of paint, mildew, dirt and grime removal from a surface.

SECTION 4: PERMITS

- 1) No person shall engage in exterior abrasive blasting within the Town of Arlington.
- 2) No person shall be required to obtain a permit for exterior paint removal operations employing only the use of manual methods of paint removal.

- 3) No person shall engage in exterior power sanding within the Town of Arlington without first obtaining a permit.
- 4) Exterior power sanding is allowed only as described in Section 6 below.
- 5) A permit, specific in location and time, shall be obtained from the Department prior to the removal of exterior paint by power sanding. The Department must receive all permit applications at least 14 days prior to the commencement of power sanding.
- 6) Applications for permit(s) shall be made on forms provided by the Department. All permit applications for housing constructed prior to 1978 must be accompanied by the contractor's proof of licensure as a Lead Safe Renovator Contractor or Deleader or, in certain instances, by a "Contractor Licensing Waiver." If the exterior power sanding work for which the permit is sought is part of a deleading project, a permit will be granted only if the application is accompanied by a copy of a signed contract with a Massachusetts licensed deleading contractor who must conduct all work in accordance with Deleading Regulations: 454 CMR 22.00, Lead Paint Regulations: 105 CMR 460.00, and this regulation.
- 6) The Town Manager shall set the permit fee.
- 7) Permits shall be displayed at the worksite during the duration of the power sanding process.
- 8) The Department may conduct onsite inspections to ensure compliance with all applicable regulations.

SECTION 5: LEAD TESTING

- 1) All surfaces on housing constructed prior to 1978 for which a permit for power sanding is sought shall be assumed to contain lead.

SECTION 6: TERMS AND CONDITONS

Exterior paint removal operations are allowed only under the following conditions:

- 1) There shall be no exterior paint removal whatsoever if the wind velocity in the immediate area exceeds twenty miles per hour or if, at the discretion of the Department, current weather conditions preclude the safe removal of paint.
- 2) For housing constructed prior to 1978, all work must be conducted in accordance with the requirements of 454 CMR 22.11, "Work Practice and Other Requirements For Renovation Work," or, if the work is conducted as part of a deleading project, in accordance with 454 CMR 22.12, "Work Practice and Other Requirements For Deleading Projects."
- 3) All work must be conducted in accordance with all applicable sections of 454 CMR 11.00 "Structural Painting Safety Code."
- 4) Operators engaged in the performance of any aspect of the power sanding operation shall be protected against the inhalation of particulate matter through the use of protective devices including, but not limited to, powered-air purifying respirators (PAPR) with high efficiency filters approved by OSHA or the American National Standards Institute (ANSI), goggles, and protective clothing.
- 5) The paint removal operation shall be sufficiently shrouded to contain particulate matter from entering the ambient air space, prevent visible emissions beyond the vertically

extended property line, prevent public exposure to particulates, and prevent deposition of particulate matter upon public and private property.

- 6) All ground area within the work area shall be covered with heavy plastic sheeting (6 mil plastic sheeting) or tarpaulins to catch debris. The covering must extend at least 10 feet out from the building.
- 7) All windows and doors within 20 feet of the work area must be closed and taped off with 6 mil plastic sheeting to prevent the accumulation of particulate matter.
- 8) Precautions must be taken to protect:
 - a. Gardens, vegetation, or specially planted areas onsite and on adjacent properties.
 - b. Permanent play equipment, sandboxes, pools, and any other items that may not be readily removed from possible exposure to particulate matter on-site or on adjacent properties.
 - c. All areas where the power sanding operation is in close proximity to playgrounds, parks, or any other area where use by the general public may pose a potential health problem.
- 9) No person having control of any exterior dust generating operations shall cause or contribute to air pollution in accordance with 310 CMR 7.00.

SECTION 7: EQUIPMENT

Only the following equipment is approved for the removal of exterior paint in the Town of Arlington:

- 1) Wet sanders and misters that will keep down the dust created during power sanding.
- 2) Power sanders and grinders with a shroud design and HEPA filtered exhaust ventilation that will contain the dust created by said tools.
- 3) Manual methods of paint removal.
- 4) The Department may allow the use of newly developed techniques, methods, or equipment that provide a level of protection for workers and the general public that equals or exceeds that specified by 454 CMR 22.00, so long as such methods are not inconsistent with deleading methods that have been approved by the Director of the Childhood Lead Poisoning Prevention Program pursuant to M.G.L. c. 111, § 192A. Each newly developed technique, method, or piece of equipment must be approved in writing by the Department prior to use.

The following equipment is prohibited for use on painted surfaces in the town of Arlington:

- 1) Open-flame burning or torching equipment
- 2) Heat guns
- 3) Pressure washers
- 4) Machines that remove paint through high speed operation such as sanding, planing or grinding without HEPA filtered exhaust ventilation

SECTION 8: CLEAN UP PROCEDURES

- 1) For paint removal operations, a HEPA vacuum shall be used to remove all particulate matter from all surfaces, including the ground, shrubs, windows, doorways, ledges, and inside of shrouding within the shrouded work area and ten feet beyond area when shrouding is removed. Shrouding may be left in place for the duration of the

operation as long as vacuuming of the area inside the shrouding takes place at the end of each working day. Additional clean up may be done, but no other method can replace the above procedures.

- 2) For all paint removal operations, the work site is to be completely cleaned at the end of each workday.
- 3) It shall be the responsibility of the operator to prevent ground contamination as a direct result of any paint removal operation. The operator shall assume all clean-up costs and liability resulting from failure to comply with this and other applicable regulations or failure to adequately contain and dispose of by-products of the operation.
- 4) The cleaning shall include additional adjacent areas as deemed necessary by the Department.
- 5) The preparation, transportation, treatment and disposal of waste material containing lead shall be carried out in accordance with all applicable EPA, DOT and DEP regulations.

SECTION 9: PENALTIES

Whoever violates any provision of this regulation, the violation of which is subject to a specific penalty, may be penalized by the non-criminal disposition as provided in General Laws, Chapter 40, section 21D, or by seeking a criminal complaint in a court of competent jurisdiction. Each day on which any violation exists shall be deemed to be a separate offense.

Penalty:	First offense: \$ 100.00
	Second offense: \$ 250.00
	Third offense: Hearing with Board of Health to determine offender's eligibility to obtain future permits and/or a fine as determined by the Board.

SECTION 10: SEVERABILITY

In the event any section, subsection, or provisions of the regulations are held to be invalid, it shall not affect the validity of any other section, subsection or provision thereof.